DOCUMENT RESUME

ED 108 565 IR 002 039

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TITLE The Peaceable Kingdom.
INSTITUTION Committee on Children's Television, San Francisco, Calif.
PUB DATE 14 Jan 75
NOTE 13p.; Paper presented at a Meeting of the California Association of Broadcasters (San Diego, California, January 14, 1975)

EDRS PRICE MF-$0.76 HC-$1.58 PLUS POSTAGE
DESCRIPTORS Broadcast Industry; Child Development; Childhood Attitudes; *Children; Commercial Television; Early Experience; Educational Television; Emotional Response; Maturation; Programing (Broadcast); Public Television; *Television Commercials; *Television Research; *Television Viewing; Violence
IDENTIFIERS *Committee on Childrens Television; FCC; Federal Communications Commission; Federal Trade Commission; FTC

ABSTRACT

The relationship of television to the roles of society in caring for and nurturing the needs of the immature child are reviewed by the co-chairperson of the Committee on Children's Television. The roots of society's concern for the young are traced to Hammurabi and television's duality in denying that it influences children to violence, while selling its persuasiveness as an advertising medium, is decried. The recent statement of the Federal Communications Commission on the duties of broadcasters to provide children's programs that educate and inform as well as entertain is discussed, along with policies of the Federal Trade Commission on advertising in children's programing. A 9-point set of guidelines is proposed for broadcasters to help them upgrade children's programing. (SK)

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THE PEACEABLE KINGDOM

A discussion of the Report and Policy Statement on Children's Television Programs issued by the Federal Communications Commission on November 6th, 1974. Suggestions for the implementation of the guidelines on children's programming contained in the Policy Statement are included.

This panel report was presented by Sally Williams, Co-Chairperson of the Committee on Children's Television, at the January 14th, 1975 Meeting of the California Association of Broadcasters, San Diego, California. This report was prepared in collaboration with Paul J. Mundie, Esq., General Counsel for CCT, and George A. Williams, Esq.

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There was a child went forth every day,
and the first object he look'd upon, that object he became,
and that object became part of him for the day or a certain
part of the day
or for many years or stretching cycles of years.

Walt Whitman

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THE PEACEABLE KINGDOM

Once upon a time, a community set up some wonderful after school centers for its children. The centers offered science clubs, discovery clubs, activity clubs, story hours, films, and a host of other activities in which the children could learn and be entertained at the same time.

The community began having trouble financing the centers so the city fathers decided to lease them to several private groups which agreed to finance the centers. The new management groups went to some local businessmen and made a deal. In exchange for financial support, it was agreed the centers would plug the merchants' products. Because many promotions were for candy, children began stopping at stores on their way home from the centers to spend some of their loose change.

Then the centers began competing with each other and started merchant-sponsored contests and games in order to attract more children. The centers got so involved in the competition that they dropped their science, discovery, and activity clubs and began showing thriller cartoons and allowing the children to run out for snacks. Parents, teachers, and doctors became concerned about what was happening to the children. They went to the city fathers and testified that since they had begun attending the centers, the children were getting sickly and skipping meals, that they had far too many cavities, that they were not trying hard enough to learn in school, and that they were fighting. The city fathers were aghast when

they learned of the public concern. They realized they had to take action on behalf of the children and revise the conditions in the center contracts.

What would you do if you were raising your children in a community where the after-school programs of the park and recreation department were run on this basis?

Obviously, the story has been told because it is the story of the role of television in the lives of our children today.

You, as broadcsters, are the leaders of these after-school centers. Your centers have the highest child attendence record in history. Children spend more time in your centers than they spend in schools or in family activities. (One rarely hears about truancy from television or of TV dropouts.) You have very carefully cultivated your child audience. Even though it may be by default and a responsibility you don't want, you have become a partner in the education and development of children with a role no smaller than those of parents and teachers.

Your "centers" have become such an integral part of society and have so much potential for good that shutting them down wouldn't solve your problems, and the children are not going to magically disappear. What are you going to do with that part of the child's world which is now yours?

I have been invited here today as a representative of the Committee on Children's Television, a large, racially diverse group of parents and professionals in San Francisco who are deeply concerned about the problems and potential of television in the lives of our children. Our purpose is to work with broadcasters in search of goals of excellence for television. As part of this search, CCT has looked at the world of childhood and at the role society at large has traditionally played in the care and nurturing of children. Importantly, we have related these roles and the needs of the immature child to television. It is these roles and needs that I would like to discuss today: What

are they and how can they be met?

Before the advent of television, it was almost impossible for an advertiser or a salesman to reach young children without first encountering a protective adult. The door-to-door salesman was barred from the classroom, and magazine and newspaper ads were beyond the reading ability of most children under the age of ten. Radio advertising for children was mainly confined to a few breakfast cereals or drinks.

Then television entered the scene and quickly became one of the most powerful influences on the buying patterns of Americans. It didn't take long for television to discover children.

Recently, it has been estimated that 20 million children will spend approximately 15,000 hours watching television before they are 18 and that approximately one out of every five of these hours is composed of commercial messages designed to influence consumer behavior. This means, in fact, that a moderate television viewer sees from 22,000 to 25,000 television commercials per year, or up to 350,000 commercials by the time he/she is 18.

Les Brown has described television advertising most colorfully in his book, The Business Behind the Box. He states that, "In day-to-day commerce, television is not so much interested in the business of communications as in the business of delivering people to advertisers. People are the merchandise, not the shows. The shows are merely the bait. The consumer, whom the custodians of the media are pledged to serve, is in fact served up."

The fact that the bulk of children's television programs have been designed to reach as many children as possible between the ages of two and eleven is of major concern to consumer groups. Monitoring studies of this programming, such as those done by Dr. George Gerbner of the University of Pennsylvania, have indicated that the people who have developed the programming have engaged the

lowest common denominator of distasteful comedy and violence in order to keep the attention of both toddlers and pre-teenagers. While the reduction of the number of advertisements aired per hour will be a step in the right direction, it will not address itself to this significant portion of the problem.

Many spokesmen for the broadcast industry claim there is no need for concern about the type of programming television has developed for children in order to achieve the maximum audience for advertisers. This is particularly true in their defense of violence on children's programs. This line of defense is the reason that we have to talk about advertising and programming in the same breath for awhile.

In summary, these broadcast spokesmen have told consumers that televised violence only affects disturbed people. Yet, at the same time these same spokesmen claim to advertisers that television is the most persuasive medium for selling products in America today. The fallacy of the broadcast spokesmen's attempt to defend both sides of the operation has been best described by Dr. Albert Bandura, president of the American Psychological Association. Dr. Bandura observed, "Although the industry is quick to attrbute agressive behavior to defects in children and parents, it doubtless ascribes increases in consumer behavior to the power of the medium rather than to pathologies in the viewers."

Consumer groups have gone to the "city fathers" and have introduced new evidence about television's effect on the lives of children. The "city fathers," in this case the FCC and the FTC, are in the process of developing and implementing some new guidelines and regulations regarding children's television.

I would like to review briefly how laws have traditionally treated children uniquely, so that we can understand the basis for the actions of the FCC and the FTC.

It all started in about 2250 BC with Hammurabi's Code, which stated that any adult who sold an article to a child or bought something from a child

without power of attorney had committed a crime punishable by death. Since then, children have always been given certain privileges and, at the same time, have had certain disabilities imposed on them because of their immaturity. Child labor laws recognize that children need more protection than mature adults. Laws pertaining to contracts have continued to recognize the special vulnerability of children and still impose strict conditions on contracts made with children. Criminal law states that children do not have the capacity to formulate the intent to commit a crime nor the ability to understand or learn form the punishment imposed.

The list could go on. In general, the law states that children should be protected from their own inability to understand the significance and consequences of their acts. Public policies regarding children are based on this historic legal concern. This concern permits legal restriction of the First Amendment in order to protect children. The FCC and the FTC, like other public agencies established to protect the public interest, are applying these laws in their re-examinations. As you know, the re-examination at the FCC resulted in the issuance of new guidelines for children's television in November of 1974.

The FCC children's policy states that television broadcsters, as trustees of a valuable public resource, have a duty to present programs specifically designed to serve the unique needs of the child audience.

The Commission's justification for the issuance of these guidelines rests in its obligation to guarantee that the public interest is served. The FCC has sought to further serve the public interest by instructing licensees to provide balanced program schedules. The Commission cited the Supreme Court's statement in Prince v. Massachusetts that, "(a) democratic society rests, for its continuance, upon the healty, well-rounded growth of young people into full maturity as citizens, with all that implies." The Commission stated it believed

television could contribute to this growth through the development of educational and cultural children's programs. The Commission also stated that the viewers' interests and not the licensees' interests were paramount in their consideration of what constitutes balanced programming.

Based on these regulatory obligations, the FCC issued guidelines for children's programming that include the following statements;

1) Each station will be expected to present children's programs, and a reasonable amount of these programs should be designed to educate and inform, not simply entertain. The FCC has called on broadcasters to use imaginative and exciting ways to further a child's understanding of areas such as: history, science, literature, the environment, drama, music, fine arts, human relations, other cultures and languages, and basic skills such as reading and mathematics.

2) Each station will be expected to present programs specially designed for pre-school children and those designed for school-age children.

3) Each station will be expected to schedule children's programs throughout the week, since only ten percent of a child's viewing time is on Saturday and Sunday.

4) Each station, even if it is not a member of NAB or the INTV, will be expected to make a good-faith effort to bring its advertising practices into conformance with the new NAB and INTV advertising codes for children.

5) Each station will be expected to review its commercial practices in children's programming in light of the FCC policy against over-commercialization. This policy states that, "It is not in the public interest for a station to derive revenues substantially in excess of those needed to produce programming which will serve the children of its community meaningfully. Furhter, those revenues need not be derived solely from programs designed for children."

6) Each station will be expected to take special measures to provide special auditory and/or visual separation devices between program material and commercials.

7) Each station should take special measures to remove host-selling techniques.

8) Each station should be certain that the display of products and brand names be confined to commercial segments.

9) Each station will be expected to eliminate practices which take advantage of the immaturity of children.

10) Other matters relating to advertising will be deferred to the Federal Trade Commission because of the FTC's Responsibility in this area except in flagrant cases.

The FCC expects conscientious broadcasters to be in full compliance with these policies by January 1, 1976. The pending petition for rulemaking on this subject will not be terminated until improvements in children's programming and advertising are evaluated.

Now I would like to turn to the Federal Trade Commission's role in the regulation of advertising directed toward children. The FTC, in discharging its general responsibility for regulating unfair business practises, it currently considering new guidelines in several areas which include toys, food, vitamins, and premiums advertised on children's television. Lewis Engman, chairman of the FTC has stated that, "Advertising directed to or seen by children which is calculated to, or in effect does, exploit their known anxieties or capitalizes on their propensity to confuse reality and fantacy is unfair within the meaning of Section Five of the FTC Act".

CCT agrees with the assessment. We have examined the advertising industry's techniques for developing a good portion of those 22,00 - plus commercials a child see

on a repetitive basis each year. We found, for the most part, that the ads are developed by designing adults and/or trained psychologists in motivational laboratory settings. The ads, usually delivered by a male voice, promise the child super-power, kid-power, friend-power, or power-over-parent power. Either magic or the titillation of a premium is often involved as the clincher. The ads are delivered with the aura of a command - a command the child lacks the ability to reject or deem inappropriate. Little or no attempt is made to provide the child with any information about the product at a level that the child might conceivably understand.

Children do not have the wisdom or the ability to think or act like adults. Joan Ganz Cooney of the Children's Television Workshop has described children as "Only half as big as we are, illiterate, undereducated, unemployed, unempl able, and hopelessly dependent on welfare from others."

You as broadcasters, in your new role as partners in the education and development of children, can no longer afford to treat children as if they were miniature adults. You can not afford to wait for the FTC to make decisions for you in every matter regarding advertising directed toward children. Indeed, you are mandated by the Federal Communications Commission to "Take all reasonable measures to eliminate false, misleading or deceptive matter." This means that when a matter not involving scientific judgment comes before you, you must make a common sense judgment in order to fulfill your duty to operate in the public interest.

In terms of the mandate, Mr. Smiley has asked me to discuss the applicability of the fairness doctrine to children's advertising. One might argue that a debatable public issue triggers the fairness doctrine when a body of responsible opinion is questioning the desirability of a product being promoted. CCT believes that this standard should not be applied to children's advertising. It the advertisement is questionable enough to trigger the fairness doctrine, it shouldn't be shown to children in the first place. Rather, the FCC mandate for common sense judgments should apply. The new FCC guidelines on children's

television clarify the meaning of "common sense" judgment in the directive that, "each station will be expected to eliminate practices which take advantage of the immaturity of children." Thus, you must apply your common sense based on your ascertained knowledge to fulfill your obligation to the FCC to take all reasonable measures to eliminate false, misleading, or deceptive children's advertising.

It is going to be a challenge to implement in FCC guidelines regarding advertising practives and program development in one year. However, your capacity to develop excellent programming, and sometines on a few hours' notice, is well known. There is no single formula for implementing change; there are some techniques and processes that I would like to discuss with you today. These are:

1) Take a look at children. Find out how they learn, how they think, and what information they need to acquire so that they can grow in wisdom and maturity. Through your ascertainment process, find the numerous parents, professionals, and children who will be willing to help you to determine the needs, problems and interests of children. Tap these resources available to you in your community and form a children's advisory panel. Have your station staff meet with them monthly so that you can keep informed about the projects and goals of local schools and youth groups. Use this information as a basis for the development and selection of complimentary programming that will educate and entertain the children in your area of service.

2) Take a look at the kinds of needs, problems, and interests that television programming is currently presenting to children. While you are watching, keep questions in mind such as: How are racial groups presented? How are sex-roles presented? How are crises presented and are they accompanied by any genuine human emotion? How is conflict resolved? What ideals, values, and beliefs are presented? What social issues are presented? What type of humor is presented?

What is the level of understanding of the information presented? What artistic qualities are commendable? Then ask your children's advisory panel what kind of knowledge their institutions, projects, or families are trying to impart to children in response to such questions.

3) Check with Action for Children's Television (46 Austin Street, Newtonville, Mass. 02156) or with the Committee on Children's Television (1151 Masonic Avenue, San Francisco, 94117) if you are in the Bay Area. Both groups have libraries on children that you are welcome to use. ACT has an extensive library on sources for children's programming, and following the San Francisco Children's Television Fair, CCT will be able to provide some source information in this area as well.

4) Utilize the waiver provisions that will probably be forthcoming in the new FCC Primetime Access Rule. Your will be able to use a good portion of your access time on children's programs. In addition, you will be able to request that special children's shows from network sources be aired at earlier hours in the evening to meet the needs of young audiences.

5) Promote your children's programming. Promote family discussions about children's programming. Promote family decision-making about program selection. Offer families guidance and good programming; I assure you they will respond to your new interest in their children.

6) Those of you who are network affiliates probably will be able to look forward to having quality network feed available to you during children's hour. It has been proposed that this hour be between 5 and 6 p.m. on weekday afternoons and that the best of the late Saturday and Sunday morning shows for older children will be made available to you to air on a rotating basis.

7) Learn the process of obtaining waivers from the NAB and the INTV as the Post-Newsweek stations did in order to cluster commercials on children's programming. Have your code boards make these waiver provisions policy.

8) Ask your program sources and advertisers to work with you in the

development of new standards for children's programming. Since you bear the responsibility of deciding whether their material meets the public interest, I am certain they will be cooperative and helpful.

9) AND in case we don't have the opportunity here today to discuss all of these suggestions and all of your ideas, I would like to invite you to attend the free Children's Television Fair in San Francisco on April 20 of this year. Twenty Northern California organizations in cooperation with Bay Area television stations have joined together to co-sponsor an event in which children, parents, progessionals and broadcsters will be able to visit one or several of fifteen program preview areas, enter into one or several of fifteen discussion groups, or attend some choice workshops on the development of programming forchildren. We welcome your participation, for it is only through our joint efforts that the world of today's children can become a world the children can trust and communicate with on equitable terms. It is our joint responsibility to give our children every opportunity to grow in wisdom, dignity, and maturity so that all of the parts of their world - home, school, community, and television- will become a peaceable kingdom.

Thank you.